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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,120	12/07/2000	Dejan Radosavljevic	905_124	9604

20874 7590 05/05/2003

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EXAMINER
LUEBKE, RENEE S

ART UNIT	PAPER NUMBER
2833	

DATE MAILED: 05/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/732,120	RADOSAVLJEVIC & VOUGHT	
	Examiner	Art Unit	
	Renee S. Luebke	2833	

-- The MAILING DATE of this communication appears on th cover sheet with th correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 March 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☒ The proposed drawing correction filed on *24 March 2003* is: a)☒ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

1. The proposed drawing correction, filed on March 24, 2003, has been approved by the examiner. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1 and 2 remain rejected under 35 U.S.C. 102(b) as being anticipated by Takano '028. This slide switch comprises a circuit board 10d with a housing 10a connected thereto, a glider 12, a contact spring 16 with a projection 16a and a plurality of contacts 22b on the circuit board. The contacts are spaced so that the projection forms a detent therewith.

Applicant states that the examiner "misidentifies bottom plate 10d by referring to it as a printed circuit board." However, member 10d was not called a "printed circuit board" in the Office action. There was no need to; the claims merely require a circuit board. Second, the reference to member 10d as a circuit board is not a misidentification. The member is a board and it supports portions (i.e. contacts and leads) of a circuit. It is therefore a circuit board. It may not be the same type of circuit board intended by applicant, but it **does** meet the claimed limitations. Also, contrary to applicant's assertion, this circuit board is connected (via screws 10e) to the housing 10a (see Figs. 6 and 7). As further seen in these figures, the circuit board 10d includes a plurality of contacts 22b on one side.

Finally, applicant argues that "a circuit board having a plurality of contacts that are arranged in at least one row extending substantially in the orientation direction" of the spring is not shown by Takano. Applicant's attention is again drawn to Fig. 6 where the circuit board 10d with a plurality

of contacts 22b is shown. The contacts are aligned in a row that does extend in the same orientation direction as the spring 16.

Applicant has not indicated any **claimed limitation** that is not met by the device shown by Takano.

4. Claims 3-6 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Takano '028 in view of Hanna. The slide switch of Hanna teaches a multi-pole, multi-throw switch that is similar to that of Takano. It includes a second row and a second contact spring to better handle the desired load. For the same reason, a second row and contact spring would have been obvious on the switch of Takano. Hanna also teaches the use of additional contacts in the rows in order to have more speeds for the fan it is operating. For the same reason, it would have been obvious to have additional contacts and positions on the switch of Takano in order to accommodate additional speeds thereon. In regard to claims 5 and 6, Hanna teaches the use of capacitors arranged similar to that claimed in order to accomplish the variety of speeds. For the same reason, it would have been obvious to include capacitors to adjust the result of the output of the positions of the switch of Takano.

Applicant argues that neither Hanna nor Takano describe a housing connected to a circuit board, a circuit board that includes a plurality of contacts on one side or a plurality of contacts arranged in a row. As noted above, these features are all disclosed by Takano; they need not be "taught" again by Hanna.

Applicant states that not all of the limitations of claims 5 and 6 have been pointed out. Initially the examiner apologizes for the typographic error that indicated "claims 6 and 7," but assumes that applicant understood the intention of the discussion about capacitors that followed and its relevance to claims 5 and 6. The remaining "limitations" that applicant is apparently

referring to concern the intended use (i.e. "connectable to an AC power source") and are not seen to be positively claimed. Any switch, including those of Takano or Hanna is "connectable" to any power source or load.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In the instant case, each of the features are well known. Their uses and advantages are well known and discussed by Hanna. As stated above, and in the original rejection, it would have been obvious to add the features of Hanna to the switch of Takano for the same reasons that they are used on the switch of Hanna.

In response to applicant's suggestion that there is no reasonable expectation of success, it is noted that all of the features are well known. They are not very complicated and are well within the understanding of even one of less than average skill in the art. There is no reason not to expect success in combining these features. Applicant has not shown that one of average skill in the are would have any difficulty combining the features. In addition, applicant is reminded that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's final argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. It is suggested that responses to this final action be faxed to:

(703) 872-9319 or 308-7722, 308-7724
Please refrain from sending a confirmation copy, as noted in 37 CFR 1.6(d) and 1.8(b).
For formal communications, please mark "EXPEDITED PROCEDURE."
For informal or draft communications please clearly label "PROPOSED" or "DRAFT."

Alternatively, responses may be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

For additional information regarding this new address, effective May 1, 2003, see *Correspondence with the United States Patent and Trademark Office*, 68 Fed. Reg. 14332 (March 25, 2003).

Hand-delivered responses should be brought to:
Crystal Plaza 4, Fourth Floor (Receptionist)
2201 South Clark Place, Arlington, Virginia.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mrs. Renee Luebke at (703) 308-1511. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mrs. Paula Bradley, can be reached at (703) 308-2319.

Renee S. Luebke
Primary Patent Examiner
May 1, 2003